

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Portland DIVISION

ALEXANDER THOMAS HEBRARD
(Enter full name of plaintiff) 15231610

Plaintiff,

Civil Case No. 3:21-cv-00918-YY
(to be assigned by Clerk's Office)

JAMIE MILLER v.
COFFEE CREEK MEDICAL/DENTAL
DR. MURPHY
VARVSKIA J.

COMPLAINT FOR VIOLATION OF CIVIL
RIGHTS (PRISONER COMPLAINT)

Jury Trial Demanded

DR. GULICK, Sr. MEDICAL/DENTAL ☒ Yes ☐ No

COFFEE CREEK SUPERINTENDENT ROB PERSSON
(Enter full name of ALL defendant(s))

Defendant(s).

I. PARTIES

List your name, address, and telephone number below, and the same information for each defendant. Make sure that the defendant(s) listed below are identical to those contained in the caption of the complaint. Attach additional sheets of paper if necessary.

Plaintiff

Name: ALEX T. HEBRARD

Street Address: 777 STANTON BLVD

City, State & Zip Code: ONTARIO, OR 97914

Telephone No.: N/A

Defendant No. 1 Name: Rob Persson (super) / Coffee creek Medical / Dental
 Street Address: 24499 SW graham's Ferry Rd
 City, State & Zip Code: Wilsonville, OR 97070
 Telephone No.: _____

Defendant No. 2 Name: Dr. Murphy (osp)
 Street Address: 2605 state st
 City, State & Zip Code: salem, OR 97310
 Telephone No.: _____

Defendant No. 3 Name: VARVSKA J. DA (coffee creek)
 Street Address: 24499 SW graham's Ferry Rd
 City, State & Zip Code: Wilsonville, OR 97070
 Telephone No.: _____

Defendant No. 4 Name: Jamie Miller super / Dr. Gulick / Sore Medical / Dental
 Street Address: 777 Stanton Blvd
 City, State & Zip Code: Ontario, OR 97074
 Telephone No.: _____

II. BASIS FOR JURISDICTION

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. You are bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
- ☒ State or local officials (a § 1983 claim)

B. What federal constitutional, statutory, or treaty right(s) is/are at issue?

Deliberate indifference 8th Amendment violation
as well as negligence and cruel and unusual punishment
as well as 14th Amendment

III. STATEMENT OF CLAIMS

Claim I

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

① While in Washington County plaintiff was seen by Dental, Dental did x-rays and determined that he had a serious abscessed tooth, ② this infection was in a area where plaintiff had a metal plate, ③ being too close to this plate and not having the adequate means to safely and confidently remove the tooth and infection early, Dental said I'd be going to D.C. next day and they would have adequate medical/Dental to deal with my serious.

See Attached

Claim II

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

medical need, ⁽⁴⁾ dental in county prescribed Antibiotics to deal with the infection.

⑤ I Arrived 3-27-18 to coffee creek I immediately made clear my serious medical need, the Absyss infected tooth and that I ~~could~~ NOT EAT OR sleep Due to pain.

⑥ intake states plaintiff would see dental/medical in a day or two.

⑦ 3-29-18 with NO WARNING OR Notice or any examination plaintiffs Antibiotic are cancelled.

⑧ 3-30-18 plaintiff sent Kyle to medical/dental ABOUT Antibiotics being cancelled and extreme pain.

⑨ Plaintiff also made complaints to unit officer, officer in charge and Rank.

⑩ 3-30-18 thru 4-9-18 plaintiff sent numerous kyles detailing extreme pain and discomfort

⑪ An L.T. informed plaintiff to leave a message about medical and dental's refusal to help on I.G./I.A. Hotline,

⑫ plaintiff did and was told in a responding message not to use that Hotline for my issue.

⑬ Numerous staff and Rank told inmate they can't do nothing and could not force medical/dental to help me.

⑭ Plaintiff informed Diversity coordinator MS. ARRINGTON about medical need and extreme pain.

⑮ Plaintiff showed MS ARRINGTON tooth that had since arriving at C.C.C.F. had broke at gumline, became black and bleeding with infection.

⑯ MS ARRINGTON sent an inner office communication about plaintiff needing medical care,

⑰ Between 3-27-18 and 4-9-18 dental was not even in facility.

(19) Between 3-27-18 and 4-9-18 plaintiff was told to sign up for sick call, then once at sick call Nurses would inform plaintiff that sick call was medical not dental.

(20) would tell plaintiff to KYTE Dental.

~~(21) Then plain~~

(21) Plaintiff would, they would then tell plaintiff again at sick call, "This is medical, KYTE Dental."

(22) Finally on 4-10-18 plaintiff received all KYTES He'd sent, All dated with a received date of "4-9-18"

(23)

THAT SAME DAY 4-10-18, Plaintiff seen MS Arrington, who noticed plaintiff had still not received medical/dental aid.

(24) MS Arrington took plaintiff to dental

AND stated PLAINTIFF needed medical attention.

(25) Plaintiff filed 3 grievances, 2 were denied as identical, one was accepted.

(26) Dental informed plaintiff that they do not pull teeth at coffee creek for men on intake.

(27) TOLD plaintiff He'd have to wait till he was transferred to another prison.

(28)

Plaintiff stated The extreme pain And discomfort, the constant affect this was having on his quality of life.

(29)

Dental said ~~he~~ plaintiff would have to wait.

(30)

Plaintiff was given Antibiotic 4-10-18

(31)

Plaintiff Asked why he was taking off Antibiotics 3-29-18, No Reasonable Answer given.

(32)

After Another 2wks of pain and suffering MS. ARRINGTON saw plaintiff still had not had his visible seriously infected tooth and on 4-23-18 dental/medical was forced to remove

infected tooth.

③ (4-24-18)

Plaintiff transferred to O.S.P. And put

Kirk in for medical to pull second infected tooth.

③ Plaintiff informed Dr. Murphy (defendant) that

There was still pain where first infected

tooth was pulled in jaw area

③ Dr. Murphy told plaintiff that jaw pain was

medical, but being I had a bad infection it

still healing.

③ 4-24-18 - 12-24-18 plaintiff still had pain in

area of infected tooth and jaw, was told

to use Ibuprofen and Aspirin.

(35) Plaintiff put in Kyle to Dr. Murphy

AND Again stated he had problems/pain

in jaw and area where infected tooth

was left.

(36) Dr Murphy again said jaw was medical

And said again it was probably still sore.

(37) he did no more A.D.

(38) 2018 December 2019 January put in again was
told same thing.

(39) 2-19-19 plaintiff was transferred to SNAKE
River correctional facility,

(40) 2-22-19 plaintiff sent a Kyle to seek medical

(41) plaintiff was told to be standing at door

for sick call.

(42) Plaintiff did sick call.

(43) Plaintiff waited and waited patiently.

(44) 3-28-19 plaintiff sent another Kite detailing the pain and issue of waiting

for weeks.

(45) 4-2-19 plaintiff's Kite was returned telling him once again to wait at door.

(46) 4-3-19 plaintiff sent another Kite stating

He has not been seen or given medical

attention for a serious medical need.

(47) 4-9-19 defendant Gulick saw plaintiff

- ④ Defendant then told plaintiff with NO examination he could see nothing wrong,
- ④9 JAW WAS Dental
- ⑤0 That plaintiff was A NARCOTIC seeker AND HAS plaintiff REMOVED FROM OFFICE WITH NO examination or help.
- ⑤1 Plaintiff DID SICK call Following Morning WAS told he would see dental 4-17-19.
- ⑤2 4-14-19 plaintiff tooth broke.
- ⑤3 4-17-19 came NO Dental visit.
- ⑤4 4-17-19 plaintiff put another KYTE in. The Response WAS "ID been told numerous times to see Dental"

(33) Plaintiff had been told once had see dental on 4-17-19, But plaintiff never saw dental 4-17-19.

(34) 4-22-19 dental saw plaintiff old x-ray And fixed Broken tooth.

(35) Dental Acknowledged something wrong.

swelling in the face, jaw area where plaintiff has made numerous complaints.

(36) 4-29-19 Referred to specialist.

(37) Defendant gutick again tells plaintiff nothing wrong And accuses him of NARCOTIC seeking.

(58) 5-1-19 PLAINTIFF WAS finally issued Antibiotics

(59) PLAINTIFF Asked to be seen by Another Dr.

then defendant gulick.

(60) 5-21-19 PLAINTIFF finally given pain medication.

Plaintiff had to Beg And complain for it
even though oral surgeon prescribed it.

(61) Dr. Gulick stated Plaintiff did Not need
it anymore even though plaintiff was still
waiting on surgery.

(62) Dr gulick Refused to listen to plaintiff And
Again Kicked him out of office calling
Plaintiff "Time Waster"

⑥3 ON 6-19-19 Plaintiff HAD surgery

⑥4 IT WAS found that the Bone And Area
near And around plate And previously infected
tooth has become infected.

⑥5 2 teeth And A Huge piece of JAW Bone
has to be removed, due to infection setting
in Bone.

⑥6 Dr. GULICK originally made A medical judgment
that Nothing was wrong with Plaintiff.

⑥7 Plaintiff did need And eventually had
MAJOR surgery.

⑥8 Plaintiff continued to have issues with
JAW After surgery

(69) Plaintiff filed numerous grievances on Defendant Gulick's negligence.

(70) Plaintiff stated numerous times that having Defendant Gulick as a primary provider would and is a conflict of interest.

(71) For Defendant Gulick to acknowledge or treat plaintiff would be to admit his original assessment and medical judgment was wrong.

(72) Plaintiff attempted to be treated for is constant and daily pain in JAW AREA.

⑦③ Defendant gulick continued his mistreatment
continually stating nothing wrong and or
prescribing mental health medication for
JAW pain.

⑦④ plaintiff took meds and they either
DID NOT help or had adverse side effects.

⑦⑤ Defendant gulick claimed plaintiff
untreatable.

⑦⑥ plaintiff grieved and pushed for
second opinion.

⑦⑦ plaintiff made numerous attempts to
see Dr. Betman 9-29-19 and 10-22-19
But NO Dr was in facility

78 Medical Refused to let plaintiff see
any other dr. made him wait over 3 wks.

79 10-22-99 plaintiff seen defendant
gulick who still claimed plaintiff
untreatable.

80 October 19 to January 29 2020 medical
abstained plaintiff 2nd opinion visit

81 1-29-20 Dr Hemphill (plaintiff 2nd opinion)
found plaintiff's medical to be severe enough
to treat with TRAMADOL.

82 Even though gulick claimed plaintiff
untreatable and that there was no
treatment.

⑧3 plaintiff still has issues of the
JAW and continues to be mistreated
by defendant gulick.

⑧4 AT plaintiff's last visit with defendant
gulick in regards to being cut off
from prescribed medication, plaintiff
asked what he could do, to get
medication extended.

⑧5 defendant gulick stated "sue me".

⑧6 10-17-19 plaintiff filed TORT.

which was later denied.

claims for Relief

①

The Actions of Defendants VAERUSKA J, coffee creek medical/dental and coffee creek superintendent in delaying plaintiff medical treatment for over 3 weeks.

②

HAVING A policy to NOT pull mens teeth while on Intake.

③ CAUSE negligence AND CRUEL AND UNUSUAL punishment to the plaintiff FOR over 3 weeks.

④ It also allowed An infection to set into plaintiff JAW Bone.

⑤ AN infection that caused plaintiff to lose several teeth And JAWbone, And continue

And constant PAIN while undeterred

⑥ Defendant Dr. Murphy for claiming
Area of pain only a medical issue
And not conducting further examination
while plaintiff was housed at O.S.P. And
under the care:

⑦ Defendant quick Actions of claiming
Nothing wrong with no examination

⑧ Accusing plaintiff of wasting time
And Narcotic seeking. Kicking him out of office

⑨ caused plaintiff to suffer even more
3rd Amendment violation And mental Anguish

⑩ Dr. quick continued And on going
mistreatment of plaintiff

⑪ SRCI medical/dental and Jaime Miller (super)
continued Deliberate indifference and
negligence to Plaintiff's mistreatment

⑫ Ignoring the conflict of interest with
Defendant gulick And his Blatant Biased
opinions, mis diagnoses one that was
so Blatant that after Plaintiff was
told Nothing wrong by gulick.

⑬ Plaintiff needed serious surgery.
And gulicks claim Plaintiff untreatable
yet when seen by Another Dr. Plaintiff
Received treatment.

(14) The weeks / months of plaintiff being
RAN AROUND in circles, Dr, Nurses R.O.C.
employees refusing to help him or
obstructing plaintiff's calls for
attention to the negligence being done
to him

(15) Are A gross violation to his right to
fair unbiased medical aid

(16) Proper And timely medical Attention

(17) And A complete violation to his
8th Amendment rights, protection from
Deliberate indifference, negligence And
cruel and unusual punishments.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

I have filed for administrative relief as to all claims in Section III and have concluded all administrative appeals available to me.

☒ Yes

☐ No

V. RELIEF

State briefly exactly what you want the court to do for you and the amount, if any, of monetary compensation you are seeking. Make no legal arguments. Cite no cases or statutes.

① AWARD NAMED DEFENDANTS ISSUE A DECLARATORY JUDGMENT
stating that there Actions in failing to provide
Adequate medical care for plaintiff violated and continued
to violate the plaintiff's rights under the Eighth Amendment
to the United States Constitution.

② AWARD compensation, damages in the following amounts
A) \$800,000⁰⁰ jointly and severally, against AWARD NAMED
defendants for physical and emotional injuries caused
due to the untimely medical care and disregard for
plaintiff's health, and failure to provide adequate medical
care.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this _____ day of _____, 20____.

(Signature of Plaintiff)

③ Award punitive Damages in the Following Amounts.

A) \$200,000⁰⁰ each Against Above Named Defendants

④ A Total Amount of \$2,000,000⁰⁰

⑤ Grant such other Relief As it may appear
plaintiff is entitled too.